

**BEFORE THE  
SURFACE TRANSPORTATION BOARD**

E.I. DUPONT DE NEMOURS & COMPANY

Complainant

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Defendant

229549  
ENTERED  
Office of Proceedings

MAY 19 2011

Part of  
Public Record

Docket No. NOR 42125

**MOTION OF E.I. DUPONT DE NEMOURS & COMPANY  
TO WITHDRAW FIRST MOTION TO COMPEL**

E.I. du Pont de Nemours and Company ("DuPont"), hereby petitions the Surface Transportation Board ("STB" or "Board") to withdraw DuPont's First Motion to Compel without prejudice. DuPont filed its First Motion to Compel on May 14, 2011, seeking to compel responses to DuPont's Requests for Production ("RFPs") Nos. 167 and 168. At the discovery conference with Board staff on May, 6, 2011, DuPont and Norfolk Southern Railway Company ("NS") agreed that NS would provide information responsive to the DuPont RFPs constituting or pertaining to official NS policies and communications at the Vice President or higher level. Because NS has not yet produced such documents, and in order to allow the Board to issue a timely decision within its regulatory deadlines, DuPont seeks to withdraw its motion without prejudice to refiling at a later date if that should be necessary.

Respectfully submitted,



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May 19, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that this 19th day of May 2011, I served a copy of the foregoing via e-mail and first class mail upon:

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*Counsel for Norfolk Southern Railway Company*

  
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Jeffrey O. Moreno